

**IN THE UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF ARKANSAS  
WESTERN DISTRICT**

<b>UNITED STATES OF AMERICA,</b>	)	
	)	
<b>Plaintiff</b>	)	
	)	
<b>vs.</b>	)	<b>CASE NO. 4:15CV-181-JM</b>
	)	
	)	
<b>MAHMOOD AHMAD, M.D. and</b>	)	
<b>UNITED PAIN CARE, LTD. d/b/a</b>	)	
<b>UNITED PHARMACY,</b>	)	
	)	
<b>Defendants</b>	)	

**DEFENDANTS' RESPONSES TO THE UNITED STATES' STATEMENT OF  
UNDISPUTED MATERIAL FACTS**

Defendants, by and through their counsel, and for their Responses to the United States' Statement of Undisputed Material Facts, pursuant to Local Rule 56.1(b), state as follows:

1. Mahmood Ahmad ("Ahmad") and his wife formed a corporation, United Pain Care, Ltd., for purposes of opening a pharmacy at 7841 Warden Road in Sherwood, Arkansas.

**RESPONSE:** Admitted except for the phrase "for the purposes of opening a pharmacy." While immaterial to the legal issues before the Court, Dr. Ahmad's affidavit does not state that.

2. Ahmad was the President of United Pain Care, Ltd. and Owner/Incorporator.

**RESPONSE:** Admitted.

3. Ahmad and his wife owned the pharmacy between January 27, 2012 and May 30, 2013.

**RESPONSE:** Denied; while immaterial to the legal issues before the Court, United Pain Care, Ltd. owned the pharmacy between January 27, 2012 and May 30, 2013. See, Affidavit of Dr. Ahmad.

4. In August of 2009, Ahmad went before the Arkansas State Medical Board to request permission to dispense legend drugs.

**RESPONSE:** Admitted.

5. Ahmad went before the Arkansas Pharmacy Board to apply for a retail pharmacy license permit.

**RESPONSE:** Admitted.

6. On May 28, 2010, an application for DEA registration for a retail pharmacy was submitted online bearing the name of United Pain Care with a location of 7481 Warden Road, Sherwood, Arkansas 72120. The tax identification number associated with the application is xxxxx8088 with an electronic signature of Mahmood Ahmad.

**RESPONSE:** Admitted.

7. Ahmad was the corporate officer who filed the application referenced above on behalf of the corporation, United Pain, Ltd.

**RESPONSE:** Admitted.

8. On April 4, 2013, the DEA registration was renewed online for the fictitious name United Pharmacy. The renewal was paid with a MasterCard bearing account holder name Mahmood Ahmad with a billing address of 7481 Warden Road, Sherwood, Arkansas 72120 in the amount of \$731.00.

**RESPONSE:** Admitted.

9. Between January 27, 2012 and May 30, 2013, United Pain Ltd. or United Pain Ltd. d/b/a United Pharmacy was the registrant for the pharmacy.

**RESPONSE:** Disputed; during the pertinent times alleged in the Complaint, United Pharmacy was the Registrant. See, Exhibit 1 to Defendants' Motion for Summary Judgement.

10. Ahmad made the hiring decisions with regard to the pharmacists who worked in the pharmacy.

**RESPONSE:** Admitted.

11. Ahmad does not have any corporate documents which reflect the corporate structure of United Pharmacy, including, but not limited to articles of incorporation, operating agreement, corporate structure and corporate officers.

**RESPONSE:** Admitted.

12. Ahmad did not maintain any meeting minutes related to the pharmacy.

**RESPONSE:** Admitted.

13. The only Power of Attorney issued by defendants for purposes of ordering controlled substances for United Pain Care, Ltd. d/b/a United Pharmacy was dated July 31, 2013.

**RESPONSE:** Defendants admit that the Power of Attorney speaks for itself, but dispute any inference that Defendants were ordering controlled substances for United Pharmacy before the Power of Attorney was issued. See, Defendants' Discovery Responses page 3.

14. On May 24, 2013, Mahmood Ahmad (drahmad@unitedpaincare.com) sent an email to Kendall B. Shortway, Drug Enforcement Agency, Diversion Investigator, carbon copying rx@unitedpharmacyrx.com, regarding the pharmacy audit. The email reads in part, "[H]owever, I am the owner of the pharmacy, any violations which are assessed against the pharmacy are ultimately applicable to the company (which I own) since the pharmacist is an employee."

**RESPONSE:** Admitted.

15. All pharmacists were employees of United Pain Care, Ltd. d/b/a United Pharmacy during Ahmad's ownership.

**RESPONSE:** Defendants admit that pharmacists West and Rinchuso were employees of United Pharmacy during their time as Pharmacists-in-Charge for United Pharmacy.

Respectfully Submitted,

/s/ Samuel A. Perroni  
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and

/s/ Timothy O. Dudley by permission  
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**CERTIFICATE OF SERVICE**

I, Samuel A. Perroni, do hereby certify that a true and correct copy of the above and foregoing Responses has been sent to the following via electronic mail on this 10th day of December, 2015:

Shannon Smith, AUSA  
P.O. Box 1229  
Little Rock, AR 72203

/s/ Samuel A. Perroni  
SAMUEL A. PERRONI